IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 321 OF 2005

Vasant Nagu Kharat..... ....Appellant.
V/s
Yeshwant Babu Wategaonkar & Anr..... ... .Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar' orders.	Court's or Judge's Orders

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Mr.Kuldeep S. Patil, Adv. for the appellant.

CORAM: A.P. DESHPANDE, J.
10.7.2007

PC:

The present appellant is the original defendant No.1 whereas the respondent is the original plaintiff. Plaintiff instituted a suit in regard to approach road passing through the property of the plaintiff and the defendant which is the subject matter of the suit. The respondent filed a suit for injunction and the same came to be decreed as the trial Court found that the

that the plaintiff has proved that there is no alternative approach road and thus the suit road has been held to be by way of easement of necessity. Aggrieved by judgment and decree passed by the trial Court the appellant filed First Appeal and the First Appellate Court while dealing with the issue No.2 has concluded that the plaintiff is entitled to the suit road by easement of necessity as there is no other road available for the plaintiff. So holding the First Appellate Court has rejected the appeal. Perused the judgment. Same does not call for interference. No substantial question of law emerges for consideration. Hence Second Appeal is summarily dismissed.

10.7.07.